

United States Bankruptcy Court  
Eastern District of Pennsylvania

In re Andri L. Council, Jr.

Debtor(s)

Case No. 17-12273/elf  
Chapter 13

**Motion to Avoid Judicial Lien on Real Estate**

1. Debtor, Andri L. Council, Jr., commenced this case on 3/31/17 by filing a voluntary petition for relief under Chapter **13** of Title 11 of the United States Bankruptcy Code.

2. This court has jurisdiction over this motion, filed pursuant to 11 U.S.C. Sec. 522(f) to avoid and cancel a judicial lien held by Midland Funding LLC on real property used as the debtor's residence, under 28 U.S.C. Sec. 1334.

3. On July 1, 2014, **Midland Funding, LLC** the creditor recorded a judicial lien against the following debtor's residence at:

**37 W. Rockland Street  
Philadelphia, PA 19144**

The said judicial lien is entered of record as follows:

**Midland Funding, LLC v. Andri Council  
Philadelphia Municipal Court, SC#-14-05-16-5004  
Judgment amount- \$2,460.63**

4. The debtor's interest in the property referred to in the preceding paragraph and encumbered by the lien has been claimed as full exempt in their bankruptcy case.

The value of the mortgage lien with US Bank National Association/PA Housing Finance Agency for \$120,061.53 plus the amount of the judgment of \$2,4660.63 plus the real estate exemption of \$23,675.00 for a total amount of \$146,197.16 exceeds the fair market value of debtor's house in the amount of \$127,500.00 as stated on Schedule A.

5. The existence of Midland Funding LLC lien on debtor's real property impairs exemptions to which the debtor would be entitled under 11 U.S.C. Sec. 522(b).

WHEREFORE, debtor(s) pray for an order against Midland Funding LLC avoiding and canceling the judicial lien in the above-mentioned property, and for such additional or alternative relief as may be just and proper.

Date September 28, 2017

Signature /s/ Bradly E. Allen

**Attorney for Debtor  
7711 Castor Avenue  
Philadelphia, PA 19152  
215-725-4242**